

## REMARKS

Claims 1, 3-5 are pending and under consideration in the application. Claims 2, 6, 7, 8, 10-14 were previously canceled. Claims 15 - 46 stand withdrawn.

### **Rejections under 35 U.S.C. § 112**

Claims 1, 3-5 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the limitation "a ratio (surface area after pressing) : (surface area before pressing) of said graphite is greater than 1" was deemed as not clearly supported by the specification. Although Applicants disagree, the limitation was removed from the claims in order to advance prosecution. The rejection is now moot in view of the above.

### **Rejections under 35 U.S.C. § 102**

Claims 1, 3-5 were rejected under 35 U.S.C. 102(b) as being unpatentable in view of Hayashi et al. (Japanese Patent 10-334915). Applicants respectfully traverse and, for the following reasons, request reconsideration and withdrawal of this rejection.

To establish anticipation of the present invention, a reference must disclose the invention as set forth in the claim: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. §2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As also set forth in M.P.E.P. §2131, "the identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

By means of the present amendment, claims 1, 3-5 were amended to include the limitation that the proportion of weight reduction of the graphite material, as measured by DTG, is at least 5% and at most 40%. No new matter has been added. The limitation is supported by the specification, in particular at paragraph [0033], Fig. 6 and Tables 1-6, third column. No new matter has been added.

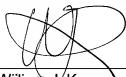
Applicants respectfully submit that Hayashi et al. does not anticipate Applicants' invention as set forth in the claims as presently amended because Hayashi et al. fails to teach every element and limitation of the claims at issue. In particular, Hayashi et al. fails to disclose "the proportion of weight reduction as measured by DTG is at least 5%

and at most 40%". Accordingly, because Hayashi et al. fails to teach each and every element and limitation of Applicants' claims 1 and 3-5, Hayashi et al. does not anticipate the invention as claimed.

**Conclusion**

Applicants submit that claims 1 and 3-5 are patentable and that the present application is now in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'WJ Keyes', written over a horizontal line.

William J. Keyes  
Registration No. 54,218  
Agent for Applicants

SONNENSCHN NATH & ROSENTHAL LLP  
P. O. BOX 061080  
WACKER DRIVE STATION, SEARS TOWER  
CHICAGO, IL 60606  
(312) 876-8000

12057278v1